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In The United States District Court

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For The District OF Maryland MAY 15 2013

Andre Harris, #368227

Plaintiff,

v.

LT. Rodney O. Likin, ET AL.,

Defendants,

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND DEPUTY

BY

Civil No. ELH-12-3601

\* \* \* \* \*

## Motion For opposition

I Andre Harris #ID 368227 hereby declare and affirm under the Penalties of Perjury that this statement is true and Correct.

1. Your honor I was Housed at WCI 13800 McMullen Highway, Cumberland Maryland 21542 on August 9, 2012. My cell buddy was Bradford Holup #505433 in cell 16 A-tier Housing unit 4 lockup. We recieved wreck that Morning and I was minding my Buissness talking 2 an inmate. I did not know or Had any Knowledge that MR. Holup was going to try an escape. There Suppose to be an Officer out there with us while we are in the wreck cages which there was not. MR. Holup climbed out of the wreck cage and attempted to escape.
2. The officers which if they were paying attentica or out there and watching the camera's they would have seen him but they weren't. My celly was gone far close to an our before they knew and they also took to people wreck saying they had there jumper off which they did not, And filled up the cages again. Once I was placed back in my cell I would say about 20 minutes later a officer came got me out my cell and took around to the stripe cage by in House medical.

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Were Sgt. Merling, officer Brinegar, officer Lark, officer Wilburn, officer Randall and some more unknown officers were. They were yelling and screaming and it was No order back there. Then Sgt. Merling told the officers to put me in a strip cell and Assault me.

3. They Never walked me around to the strip cell with the camera like they did my cell buddy. Officer Brinegar, Wilburn, Lark, and Davis took me to cell B2 on B-teir after they cleared the working men off the teir. Took me in cell B2 and they all assaulted me execution style Hand cuffed, and told me officer Davis if you say anything they would Kill me. I had nothing to do with what my bunk buddy tried and never recieved a ticket. If they say I was part of the situation why wasn't proper procedure taken by paper work. I asked to see medical ~~was~~ Numerous times but they did not take me.

4. I was denied that right and threatend by a ticket. I Iu was not notified of what happend until I came out of the strip cell and wrote the ARPs and paper work. My property was destroyed on the teir by officers Randall, Brinegar, and Davis which I have an affidavit by one of the inmate witnesses. I was Seen by medical on the 14 of August 2012, and told the PA of my injury's which he said he would mark down. I went back on another sick call that I put in which I noted my injury's and was told the same but No actions were taken. So by this time I wrote an ARP on the 2 medical staff that saw me on the 14<sup>th</sup> and 16<sup>th</sup> of August 2012.

5. In the defendents paper work they state that I was placed in B2 until I Iu did there investigation that day then was placed back in my cell. I Iu never did no investigation that day and I was Not placed back in my cell, I was in a strip cell with boxers and socks. Nothing else. No bed sleeping on the Hard Cold Floor and they turned my water off which I later got turned back

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From the next shift, days later. I was in there from August 9, 2012 to August 14<sup>th</sup> 2012. Which in the DoD 110-4 Isolation cells Issued effective February

VI.A-

10, 2007 "When an inmate by reason of his/her behavior harms, threatens or attempts to harm him/herself, the Provisions of the DPSCS Suicide Prevention Activities Manual shall be Applied until the inmates status can be determined by a health care provider or mental health professional.

G.

B. Isolation Confinement cells shall be used only for inmates who, by reason of their behavior, harm, or threaten harm to institutional staff, institutional property, and/or other inmates, which I did none of them to go there. Also if they needed the cell for evidence they could have put me in another regular cell.

1. Isolation Confinement shall not be used unless the inmate's behavior cannot be modified by placement on administrative segregation status.

C. An inmate shall be placed in isolation only by authorization of the warden (or who ever is designated as acting warden) in consultation with a health care provider or mental health professional. Which none of that happened and it also states that section E. An inmate shall be housed in the isolation confinement area only as long as needed for the security and control of the institution and, in no instance, shall the inmate be kept in isolation longer than eight (8) consecutive hours, without a follow up mental health assessment, which never happened.

7.

I was harassed, threatened and physically and mentally abused and was treated as an animal being in that strip cell with nothing and for no reason. I should have been called N words. Its only so much that I could and can do by me being locked up to state my case. Then after every thing happened when I wrote AFRs I was assaulted to sign off which I wrote up also, but they new not to hit me in the face area and things that would show.

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8. I am still depressed and uneasy from going through the whole situation. Also DCD # 200-1 section A. safety and security within the institution. 1. No inmate shall be subjected to corporal punishment, personal abuse, personal injury, disease, property damage, harassment, use of, unnecessary force, or be subjected to medical, pharmaceutical or cosmetic experiments. My rights should not have been violated in any kind of way. I tried to handle this matter institutional wise but they did not want to do that and violate my rights totally over skin color.

Date 13/12

Affidavit of ARTHUR STOKLEY 368263

of WCI <sup>HU</sup> 4-A-13

I do hereby declare and affirm upon Personal Knowledge and under the Penalties of Perjury that these statement are true and correct.

I ARTHUR STOKLEY witness officer grab the victim by the arm like they were trying to break it.

A few minute later two officer came to the victim cell and throw all that man property away.

Arthur Stokley 368263